



Ministry of Environment and Tourism

Republic of Namibia

Statement by the

Honourable Pohamba Shifeta

Minister of Environment and Tourism, MP

**Tabling of the report of the 2016/17 implementation of the
Environmental Management Act, 2007 (Act No. 7 of 2007) to
the National Assembly**

Hon. Members of Parliament

Hon. Speaker Professor Peter Katjavivi

Let me at the onset thank you for the opportunity to address this august House on the implementation of the Environmental Management Act, 2007 (Act No.7 of 2007). This is indeed a timely opportunity.

My request to table this report stems from a Cabinet decision from August 2016, which directed all Offices / Ministries / Agencies (OMAs) to adhere to the provisions of the Environmental Management Act, 2007 (Act No. 7 of 2007) and further directed the Ministry of Environment and Tourism (MET) to report back on the progress made by OMAs in complying with the Act. I am pleased to report to this august House that I have tabled the said report to Cabinet and now have the opportunity to do the same here today.

Honorable Members,

The Environmental Management Act is a vital piece of legislation for this country. Its main objective is to promote the sustainable management of the environment and the use of natural resources by establishing principles for decision-making on matters affecting the environment and to provide for a process of assessment and control of activities, which may have significant effects on the environment. This process of assessment and control takes the form of proponents and organs of state applying for environmental clearance for activities that are listed both in the Act and its regulations.

The provisions of the Environmental Management Act apply to all citizens, organs of state and companies that are undertaking activities that impact on the health of our environment. It therefore a key piece of legislation to give effect to Article 95(L) of our Constitution, which commits the state to ensuring the “maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future”.

Honorable Speaker,

Hon Members,

This report, which covers the 2016/17 financial year, focuses on four main areas in which compliance is sought from OMAs:

1. Applications for environmental clearance certificates when undertaking listed activities.
2. Preparation of strategic environmental management plans for policies, plans and programmes of organs of state.
3. Fulfillment by organs of state of their roles and responsibilities as Competent Authorities.
4. Compliance with the waste management provisions within the Environmental Management Act.

It also shares the general experiences of the Ministry of Environment and Tourism in implementing this piece of legislation as well as priorities moving forward in terms of its implementation. I would hereby like to

provide a brief summary of our key observations regarding the implementation of the Act and the compliance of OMAs as follows:

- (i) Overall applications for environmental clearance certificates continue to increase. In 2016/17 the Office of the Environmental Commissioner received 578 applications for environmental clearance. This represented an increase of 24% from the previous year. The volume of applications from OMAs for environmental clearance certificates increased by 32.6% during the same period.
- (ii) There are still some OMAs not in compliance with the Act in terms of applying for environmental clearance certificates for listed activities, particularly with regard to resource removal, including natural living resources, as per Section 27 (2) (c) of the Act. For example, few applications for environmental clearance certificates were received from the Ministry of Agriculture, Water and Forestry and the Ministry of Fisheries and Marine Resources and their parastatals during the reporting period.
- (iii) The requirement for proponents to submit applications through Competent Authorities is leading to delays in the process, with some Competent Authorities lacking the systems to receive the applications and submit them to the Environmental Commissioner. The engagement of Competent Authorities in the Environmental Impact Assessment review process has also led to delays in some cases.

(iv) Part VI of the Act on the preparation of environmental plans by Organs of State contains some ambiguities and does not clearly state that the intention of this Part of the Act is for Organs of State to undertake Strategic Environmental Assessments (SEAs) on their plans, policies and programmes. This has created a degree of confusion and the MET will clarify this in the revised regulations that are currently being developed for the Act. The MET stands ready to assist OMAs in the formulation of SEAs / environmental plans. Only three SEAs were received from OMAs in 2016/17. These SEAs were for large scale bush thinning and value addition through the Ministry of Agriculture, Water and Forestry; the development of Walvis Bay port through Namibian Port Authority; and the Zambezi Integrated Regional Land Use Plan through the Ministry of Land Reform.

(v) The ability of the MET to monitor and enforce compliance to the Act through inspections is constrained by a lack of staff and regional presence. There is a need to urgently address this matter.

(vi) Waste management at waste disposal sites through Local Authorities and across the country continues to be a concern, although improved cooperation and collaboration is now taking place between the MET and Local Authorities. A significant increase in applications for environmental clearance certificates for

both new and existing waste disposal sites has been observed from Local Authorities. This increased from just 3 applications in 2015/16 compared to 21 in 2016/17.

(vii) Sand mining also continues to be a major concern. The MET is working with Traditional Authorities, Local Authorities and the Ministry of Agriculture, Water and Forestry and the Ministry of Mines and Energy to address this issue. The large-scale mining of sand for road construction by parastatals and private companies is also a considerable challenge.

(viii) Concerns have been raised from industry regarding the need to categorize and classify listed activities according to scale so that the process of applications for environment clearance can be less cumbersome and expensive for more small-scale activities.

In order to address some of the shortcomings identified in the implementation of the Act, the Ministry of Environment and Tourism is currently at an advanced stage in terms of reviewing the Act and its regulations in 2017/18, and I am looking forward to tabling these amendments to this august House over the course of this year.

Of critically important priorities for the Ministry are to:

(i) Strengthen capacity and the institutional framework for monitoring and enforcing compliance to the Act;

- (ii) Strengthen collaboration with Organs of State;
- (iii) Increase awareness of the Act among all stakeholders, especially local and traditional authorities; and
- (iv) Operationalize an online system for environmental clearance application as part of business process reengineering and improving efficiency. The development of this online system is at an advanced stage and will be launched during 2018.

With these few words, Honorable Speaker and Honorable Members, I thank you for the opportunity and hereby submit to you the report on the implementation of the Environmental Management Act, 2007 (Act No. 7 of 2007) for the 2016/17 financial year. I look forward with your permission to tabling this report on an annual basis to this august house.

I thank you.